

1 KEVIN V. RYAN (CSBN 118321)
United States Attorney

E-filed 10/23/06

2 MARK L. KROTOSKI (CSBN 138549)
3 Chief, Criminal Division

4 AMY J. NELSON (OKBN 19898)
Special Assistant United States Attorney

5 Defense Language Institute-Criminal Law
6 1336 Plummer Street, Building 275
Monterey, CA 93944
7 Telephone: (831)242-7321
amy.nelson@monterey.army.mil

8 Attorneys for Plaintiff

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SALINAS DIVISION
12

13 UNITED STATES OF AMERICA,

No. CR 06-00444 PVT

14 Plaintiff,

STIPULATION AND ~~PROPOSED~~
ORDER EXCLUDING TIME

15 v.

16 MIGUEL A. RIVERA, JR.,

17 Defendant.


SAN JOSE VENUE

18
19
20 On September 28, 2006, the parties in this case appeared before the Court for a status
21 hearing. After Peter Leeming, Defense Counsel, indicated that he planned to file a motion to
22 exclude certain evidence, the parties jointly requested that the case be placed on Judge Lloyd's
23 calendar for Thursday, November 2, 2006. Special Assistant United States Attorney Amy
24 Nelson then requested an exclusion of time under the Speedy Trial Act from September 28, 2006
25 until the disposition of the motion in accordance with 18 U.S.C. §§ 3161(h)(1)(F), (h)(8)(A) and
26 (B)(iv). The defendant, through Peter Leeming, his attorney, agreed to the exclusion. The
27 undersigned parties agree and stipulate that an exclusion of time is appropriate based on the
28 defendant's need for effective preparation of counsel.

STIPULATION AND ~~PROPOSED~~ ORDER
NO. CR 06-00444 PVT

1 //

2 SO STIPULATED:

KEVIN V. RYAN
United States Attorney3
4 DATED: 12 OCT 06
AMY J. NELSON
Special Assistant United States Attorney5
6 DATED: 14 OCT. 06
PETER LEEMING
Counsel for Mr. Rivera

7
8
9
10 Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded
11 under the Speedy Trial Act from September 28, 2006 until disposition of the motion. The Court
12 finds, based on the aforementioned reasons, that the ends of justice served by granting the
13 requested continuance outweigh the best interest of the public and the defendant in a speedy trial.
14 The failure to grant the requested continuance would deny defense counsel reasonable time
15 necessary for effective preparation, taking into account the exercise of due diligence, and would
16 result in a miscarriage of justice. The Court therefore concludes that this exclusion of time
17 should be made under 18 U.S.C. §§ 3161(h)(1)(F), (h)(8)(A) and (B) iv).

18 SO ORDERED.

19
20 DATED: 10/23/06
HOWARD R. LLOYD
United States Magistrate Judge